

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Antrell Jermaine Fordham, # 262332,)	C/A No. 8:06-807-CMC-BHH
)	
Plaintiff,)	OPINION and ORDER
)	
v.)	
)	
W. Ted Smith; and)	
Charleston County Public Defender's Office,)	
)	
Defendants,)	
)	

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, the complaint filed by Plaintiff, who is proceeding *pro se*, was referred to United States Magistrate Judge Bruce H. Hendricks for pre-trial proceedings and a Report and Recommendation. On March 20, 2006, the Magistrate Judge issued a Report and the matter is now before the court for a ruling.

This court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

Based on her review of the record, the Magistrate Judge has recommended that the complaint be dismissed without prejudice and without issuance of service of process because Plaintiff fails to state a claim on which relief can be granted. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff filed his objections on April 20, 2006, and the matter is now ready for disposition.

The court has considered Plaintiff's objections and finds that they are irrelevant to the issue

of no state action. Therefore, having reviewed the Complaint, Plaintiff's objections, and the Report and Recommendation of the Magistrate Judge, the court agrees with the Report of the Magistrate Judge. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference.

IT IS HEREBY ORDERED that this action is **DISMISSED** *without prejudice and without service of process*.

IT IS SO ORDERED.

s/ Cameron McGowan Currie

CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
April 27, 2006